

# MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 14, 2011

PRESENT:	Supervisor	Teresa Dean
	Council	Mike Smith
		Andy Gillette
		Edward Fairbrother
		Mike Saglibene
	Attorney	Frederick Ahrens
	Town Clerk	Linda Cross

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE - Ed Hinchey P.G., Environmental Resources Management made a presentation to the Town Board regarding the installation of a monitoring water pump at Whitney Park.

## REPORTS

Supervisor Dean stated the following reports for November 2011 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Youth Department Monthly Report, SPCA Monthly Report, Justice Court Monthly Report, Supervisor's Fund Balance Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report, Community Center Monthly Report.

Supervisor Dean stated a:

- meeting regarding our moving forward with Water District consolidation was held and we are obtaining quotes for professional analysis beyond our scopes.

## OLD BUSINESS

### RESOLUTION NO. 242-11

#### FLEXIBLE SPENDING ACCOUNT PLAN TERMINATED APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Town Board of the Town of Big Flats has considered the salient features of the company's existing employee benefit plan for Flexible Spending Account, and

WHEREAS the Town Board in conjunction with the Plan Administrator intends to terminate the Flexible Spending Account, and

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RESOLUTION NO. 242-11, FLEXIBLE SPENDING ACCOUNT PLAN TERMINATED  
APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby terminates the Plan designated above and does hereby authorize the Town Supervisor to execute all documents necessary to terminate the selected Plan, and

FURTHER RESOLVE that the Plan shall be terminated as of December 31, 2011.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

NEW BUSINESS

RESOLUTION NO. 243-11  
BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED a Findings and Determination for Games of Chance License, along with the guidance and interpretation of the New York State Racing and Wagering Board, found the designated members conducting Games of Chance games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Games of Chance License, dated November 9, 2011 from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

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RESOLUTION NO. 244-11  
BIG FLATS AMERICAN LEGION BINGO LICENSE APPROVED

Resolution by: Gillette  
Seconded by: Saglibene

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Bingo License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED with the Findings and Determination for Bingo License, along with the guidance and interpretation of the New York State Racing and Wagering Board, it is found the designated members conducting bingo games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Bingo License, dated November 29, 2011, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

RESOLUTION NO. 245-11  
TERMINATION OF LEASE FOR PONDEROSA PARK APPROVED

Resolution by: Saglibene  
Seconded by: Fairbrother

WHEREAS the Town Board received a letter July 21, 2011 from Steven Garner of 29 Federal Heights providing notification of the termination of the lease for Ponderosa Park, and

WHEREAS a meeting was held with Mr. Garner's representative, and resident of 29 Federal Heights to discuss the termination notice and determine if they were willing to continue said lease, and

WHEREAS the conclusion of the meeting confirmed that the owner of the property has no desire to continue with the lease on the property known as Ponderosa Park, and

WHEREAS the termination of a lease for environmental purposes is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

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RESOLUTION NO. 245-11, TERMINATION OF LEASE FOR PONDEROSA PARK  
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board ratifies the termination of lease effective December 31, 2011 and request that the Commissioner of Public Works coordinate the removal of the swing set, basketball, pole, grill and pavilion.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

RESOLUTION NO. 246-11  
DEPUTY TAX COLLECT APPOINTMENT APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS the Tax Collector has determined that a Deputy Tax Collector is necessary and due to the fact that Deanne Williams is familiar with the tax collection program recommends Deanne Williams as a Deputy Tax Collector, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the appointment of Deanne Williams to the position of Deputy Tax Collector effective December 15, 2011 or as soon as the Tax Collector determines necessary at her existing rate of pay, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certificate (RPC) for this hiring.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

RESOLUTION NO. 247-11  
SPEED LIMIT ZONE REQUEST KAHLER ROAD SOUTH APPROVED

Resolution by: Smith  
Seconded By: Gillette

WHEREAS Kahler Road South is presently designated at 50 mph south of the Lowe Road intersection, and

WHEREAS Kahler Road South has a park and the road narrows significantly and is a dead end, and

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RESOLUTION NO. 247-11, SPEED LIMIT ZONE REQUEST KAHLER ROAD SOUTH  
APPROVED continued

WHEREAS the Commissioner of Public Works is requesting the 50 mph speed south of Lowe Road be evaluated with regard to proximity of park and the dead end road, and

WHEREAS the Town Board does not have the authority to designate a speed zone for this area, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation on Kahler Road South, section designated south of Lowe Road intersection in the Town of Big Flats.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

RESOLUTION NO. 248-11  
PURCHASE OF 2011 JEEP LIBERTY APPROVED

Resolution by: Gillette  
Seconded by: Saglibene

WHEREAS it has been determined that a newer vehicle is necessary for the use in the Code Enforcement Department, and

WHEREAS Councilperson Fairbrother solicited and received quotes from various dealerships in Chemung County and has determined that Simmons Rockwell had provided the Town with the best opportunity, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of a 2011 Jeep Liberty from Simmons Rockwell at a cost not-to-exceed Sixteen Thousand Eight Hundred Forty Nine Dollars (\$16,849.00), and

FURTHER RESOLVED the Town Board authorizes a prepayment to Simmons Rockwell in the amount of Sixteen Thousand Eight Hundred Forty Nine Dollars (\$16,849.00).

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

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RESOLUTION NO. 249-11  
SURPLUS DECLARATION OF A 2001 GMC JIMMY APPROVED

Resolution by: Salibene  
Seconded by: Fairbrother

WHEREAS the Town Board authorized the purchase of a 2011 Jeep Liberty to replace a 2001 Chevrolet Blazer, and

WHEREAS in accordance with the Blue Book Value, it has been determined that the value of the 2001 GMC Jimmy is approximately \$5,500.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the declaration of surplus of a 2001 GMC Jimmy and authorize the Town Clerk to commence a bidding process with a minimum bid of Five Thousand Five Hundred Dollars (\$5,500.00).

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

RESOLUTION NO. 250-11  
SECRETARY FOR THE COMMUNITY CENTER RESIGNATION APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS a notice was received from Judith Kadlec, dated December 7, 2011, informing the Town Supervisor that she no longer works for the Town, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Judith Kadlec effective December 7, 2011 and request the Town Supervisor send a letter of appreciation to Mrs. Kadlec for her time and dedication.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Gillette, Dean  
NAYS: None

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RESOLUTION NO. 251-11  
NYS ASSOCIATION OF TOWNS 2012 TRAINING APPROVED

Resolution by: Smith  
Seconded by: Saglibene

WHEREAS the New York State Association of Towns offers training and annual meeting that is to assist in the training of town officials and is the most comprehensive effort in this area, and

WHEREAS it is in the Town's best interest to allow representations to attend said training, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Fred Ahrens, Mike Smith, Mike Saglibene, and Teresa Dean to attend the New York State Association of Towns 2012 Training and Annual Meeting to be held February 19-22, 2012 with all applicable expenses to be paid from the appropriate budget.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean  
NAYS: Gillette

RESOLUTION NO. 252-11  
DECLARING THE POSITION OF DIRECTOR OF RECREATION FOR THE COMMUNITY  
CENTER A FULL-TIME POSITION APPROVED

Resolution by: Saglibene  
Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution No. 135-04, "Director of Recreation, Part-time, Position Created and Interim Appointment Approved", and

WHEREAS previous administration has discussed the options of whether or not a full-time Director of Community Center was warranted and favorable recommendations were made by the former Community Center Advisory Board, and

WHEREAS when considering the exposure to liability, the investment that the Town has placed in the Center, the increase use and responsibilities with the Community Center, the Town Board has determined that this position requires an individual in a full-time capacity, and

WHEREAS said full-time person would be required to meet the minimum qualification of the duties of Director of Recreation and be appointed as outlined in the regulations of the Chemung County Regional Civil Service Commission, and

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 14, 2011

RESOLUTION NO. 252-11, DECLARING THE POSITION OF DIRECTOR OF RECREATION FOR THE COMMUNITY CENTER A FULL-TIME POSITION APPROVED, continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board request the Chemung County Civil Service Commission order and offer the test for Director of Recreation, and

FURTHER RESOLVED said position shall take effect 30 days after a valid Chemung County Civil Service Commission eligibility list.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean  
NAYS: Gillette

CORRESPONDENCE

Program Updates/Time Warner Cable. A letter from Time Warner Cable dated December 1, 2011, was received regarding their programming changes.

Zoning Amendment Proposal/Town of Big Flats Code Enforcement & Building Inspections. Next agenda doggie daycare.

Lease Transactions/United States Postal Service. A letter was received October 14, 2011 from Jane E. Bjork, Manager, Facilities Real Estate & Assets regarding streamline processes and drive initiatives for the real estate portfolio for the post office.

Engineering and Architectural Services/MRB Group. A letter dated November 9, 2011 was received from James R. Gresens, P.E President of MRB group regarding their change of address.

Proposed Arnot Realty Corp. Housing Project/Chemung County Industrial Development Agency. A letter dated December 1, 2011 was received from George Miner, Executive Director for Chemung County Industrial Development Agency regarding the Proposed Arnot Realty Corporation Housing Project.

Proposed Seneca West Pipeline Interconnect/NYSEG. A letter was received on December 1, 2011, from Robert L. Pass Community Outreach Manager for NYSEG regarding proposed Seneca West Pipeline Interconnection.

Minutes/Big Flats Business Association. A copy of the Meeting Minutes of the Big Flats Business Association, dated December 7, 2011, was received.

EXECUTIVE SESSION: Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to enter into executive session to discuss particular personnel matter and attorney client privilege. All in favor, motion carried.



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Supervisor Dean temporally suspended the Town Board meeting at 5:04p.m.

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 5:04 p.m.

NEW BUSINESS

RESOLUTION NO. 253-11

WATER SYSTEM PIPE WORK AT THE VALVE VAULT WATER APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Commissioner of Public Works recognizes the need to complete pipe work after the Water District 2 water tank painting completion, and

WHEREAS quotes were received for the proposed 14" pipe work in the vault confined space as follows:

WHEREAS, quotes were solicited and received as follows:

Postler & Jaeckle Corp. (P & J)	\$6,948.00
Furnish tools, labor & materials to remove existing check valve and strainer pit. Provide and install new 14" spool piece to replace above.	

Edger Enterprises, Inc.	\$ 8,500.00
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WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes Postler & Jaeckle Corp. to provide and install piping in Water District # 2 valve vault for the sum of \$6,948.00.

CARRIED: AYES: Smith, Fairbrother, Salibene, Gillette, Dean

NAYS: None

Supervisor Dean closed the Water Board Meeting and reconvened the Town Board Meeting. The Board entered into Executive Session 5:05p.m. and anticipated that there will not be any action.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk